

THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No.10177 of 2007

Between:

Tadaparti Vijaya Venkata Hari Kishore.

.. PETITIONER

and

The Superintendent of Police and others.

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RESPONDENTS

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THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No.10177 of 2007

ORDER:

This writ petition is filed seeking a Writ of Mandamus declaring the action of the respondents in summoning the petitioner and his family members regularly to the police station and detaining them hours together as illegal and arbitrary and consequently direct the respondents not to interfere with the personal life and liberty of the petitioner.

It is stated that the petitioner married the sister of the 4th respondent in the year 2001 and they were blessed with a male child, who is now aged about 3 years. In the recent past, differences arose between the petitioner and the sister of the 4th respondent and therefore, the petitioner filed O.P.No.24 of 2006 on the file of Principal Senior Civil Judge, Eluru, seeking dissolution of the marriage. The learned Judge granted decree for dissolution of the marriage through order, dated 12-04-2006. Thereafter, the 4th respondent, who is the brother-in-law of the petitioner, filed a Writ of Habeas Corpus in W.P.No.6255 of 2007 to direct the respondents to produce his sister's son, who was born to the petitioner and his divorced wife. In which, a counter has been filed by the Sub-Inspector of Police, Eluru I Town Police Station, West Godavari District, stating that on a complaint filed by the petitioner, a case in Cr.No.271 of 2006 was registered on 17-02-2006 and on a complaint filed by the sister of the 4th respondent, a case in Cr.No.20 of 2007 was registered on 12-02-2007. Further, the 4th respondent filed another complaint stating that the son of the petitioner was missing. Accordingly, a case in Cr.No.22 of 2007 was registered under the head "Boy Missing".

A counter has been filed by the 3rd respondent stating that in connection with Cr.No.22 of 2007, police called the petitioner during the course of investigation, as some of the witnesses expressed suspicion that

the petitioner might have taken the missing boy and in that connection only, the petitioner was examined to know the whereabouts of the missing boy. As on date, no clues are available with regard to the missing boy. It is stated that only for the purpose of investigation, the petitioner was interrogated. It is stated that police never summoned the petitioner and his family members to the police station and never detained them hours together demanding them to pay an amount of Rs.5,00,000/- to settle the dispute with the sister of the 4th respondent. It is further stated that, as on date, no case has been registered against the petitioner.

In view of the aforesaid statement, I am of the opinion that no orders need be required in this writ petition, as no case is registered against the petitioner and as the petitioner was already interrogated. However, if the presence of the petitioner is required, he may be called by issuing a written summon for the specific purpose. If he is involved in any cognizable offence, a case can be registered and interrogated, but without following the due process of law, the personal life and liberty of the petitioner cannot be interfered with.

Accordingly, the writ petition is disposed of. There shall be no order as to costs.

19-06-2007

Prv